

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

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Washington, Thursday, June 3, 1948

## TITLE 3—THE PRESIDENT PROCLAMATION 2789

FLAG DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES  
OF AMERICA  
A PROCLAMATION

WHEREAS on June 14, 1777, the Continental Congress adopted the Stars and Stripes as our national emblem; and

WHEREAS Americans of varied heritage, creed, and race have found refuge from oppression and surcease of fear under the protecting folds of Old Glory; and

WHEREAS in our day the American flag symbolizes the realization of the ideal of freedom in a world where that ideal is insecure; and

WHEREAS it has properly become a national custom to observe the anniversary of the adoption of the flag by public and private ceremonies in commemoration of the flag's inspiring history and in recognition of its present meaning:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby direct that the flag of the United States be displayed on all Government buildings on June 14, 1948, and I call upon the people of the Nation to observe that day as Flag Day by suitable ceremonies and by the display of the flag at their homes and other appropriate places. I also urge all citizens to reflect upon the responsibilities which this banner enjoins as well as the privileges it carries, remembering that the flag represents the Nation and that our Nation and its citizens should uphold the concept of free government on all occasions in order that the blessings of liberty may flourish among men.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this first day of June in the year of our Lord nineteen hundred and forty-eight, and of the Independence of the United States of America to be affixed the one hundred and seventy-second.

HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,  
Acting Secretary of State.

[F. R. Doc. 48-4940; Filed, June 1, 1948; 2:54 p. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 3—ACQUISITION OF A COMPETITIVE STATUS

##### INCUMBENTS OF POSITIONS BROUGHT INTO COMPETITIVE SERVICE

Section 3.101 (b) (2) is amended by the addition of subdivision (iv) as follows:

§ 3.101 *Incumbents of positions brought into the competitive service.*

(b) \* \* \*

(iv) Substantially continuous service in the Merchant Marine in accordance with the rules and regulations of the United States Maritime Commission, provided the employee left his position after May 1, 1940, and before the termination of the unlimited national emergency declared by the President on May 27, 1941, to enter on duty with the Merchant Marine.

(R. S. 1753; sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] H. B. MITCHELL,  
President.

[F. R. Doc. 48-4897; Filed, June 2, 1948; 8:49 a. m.]

## TITLE 7—AGRICULTURE

### Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

#### PART 29—TOBACCO INSPECTION

##### ORDER DESIGNATING THE JASPER, FLA., TOBACCO MARKET

Upon a referendum conducted, pursuant to prior notice (13 F. R. 1831), during the period April 15 through April 17, 1948, among tobacco growers who, during the 1947 marketing season, sold tobacco at auction on the market at Jasper, Florida, it is found that more than two-thirds of the growers voting in such referendum favor the designation of such market under section 5 of The Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 511 et

(Continued on p. 2965)

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seq.) for the mandatory inspection and certification of tobacco sold on such market. Therefore, pursuant to the authority vested in the Secretary of Agriculture, and for the purposes of said act, the orders of designation of tobacco markets (7 CFR Cum. Supp., 29.301; 9 F. R. 11571; 10 F. R. 11104; 11 F. R. 7967; 11 F. R. 8712; 11 F. R. 13099; 12 F. R. 4015; and 13 F. R. 2579) are amended by adding thereto at the end thereof the following paragraph (cc):

§ 29.301 *Designation of tobacco markets.* \* \* \*

(cc) *The tobacco market at Jasper, Florida.* Effective 30 days after June 3, 1948, no tobacco of any type shall be offered for sale at auction on the market at Jasper, Florida, until such tobacco shall have been inspected and certified by an authorized representative of the U. S. Department of Agriculture according to standards established under The Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 511 et seq.): *Provided, however,* That such requirement of inspection and certification may be suspended at any time when it is found impracticable to provide inspection or when the quantity of tobacco available for inspection is not sufficient to justify the cost of such service. No fee or charge shall be imposed or collected for the inspection and certification of tobacco sold or offered for sale at auction on the market designated above.

(49 Stat. 731; 7 U. S. C. 511 et seq.)

Issued this 27th day of May 1948.

[SEAL] N. E. DODD,  
Acting Secretary of Agriculture.

[F. R. Doc. 48-4888; Filed, June 2, 1948; 8:47 a. m.]

## Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

## PART 981—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

## LIMITATION OF SHIPMENTS

§ 981.301 *Regulation—(a) Findings.*  
(1) Pursuant to the Marketing Agreement and Order No. 81 (7 CFR Cum Supp. 981.1 et seq.; 13 F. R. 2709) regulating the handling of potatoes grown in the Southeastern States production area, effective under the applicable provision of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Southeastern Potato Committee established under the said marketing agreement and said order, and upon other available information, it is hereby found that the limitation of shipments of such potatoes as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that:  
(i) Shipments of potatoes for the current season from the aforesaid production area will begin in sizable volume during the first week in June, and

(ii) More orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes in the manner set forth below on and after the effective date hereof, and

(iii) Compliance with this order will not require any preparation on the part of handlers which cannot be completed by the effective date hereof, and

(iv) Good cause exists for making this order effective on the date hereinafter set forth, and that it would be contrary to the public interest to delay the effective date of the order for 30 days after its publication (see section 4 (c), Administrative Procedure Act, 60 Stat. 237).

(b) *Order.* (1) During the period beginning 12:01 a. m., e. s. t., June 4, 1948, and ending 12:01 a. m., e. s. t., August 15, 1948, no handler shall ship any potatoes grown in the Southeastern States production area which do not meet the requirements of U. S. No. 1 or better grade, as such grades are defined in the United States Standards for potatoes (12 F. R. 3651): *Provided,* That there shall be no limitation of the shipment of potatoes for export, as recommended by the Southeastern Potato Committee pursuant to § 981.6 (c), except that the aforesaid committee may prescribe appropriate procedures applicable to such shipments for export as provided by § 981.6 (c), of Order No. 81.

(2) As used in this section the terms "handler" and "ship" shall have the same meaning as when used in Marketing Order No. 81. (48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246, 61 Stat. 208, 707; 7 U. S. C. 601 et seq.; sec. 102, Reorg. Plan 1 of 1947, 12 F. R. 4534)

Done at Washington, D. C., this 2d day of June 1948.

[SEAL] S. R. SMITH,  
Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-4978; Filed, June 2, 1948; 11:25 a. m.]

## TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 03-4]

## PART 03—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, ACROBATIC, AND RESTRICTED PURPOSE CATEGORIES

## AIRCRAFT AIRWORTHINESS CLASSIFICATION SYMBOLS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of May 1948.

The provisions of Part 03 relating to airworthiness classification utilize the symbols "C," "R," and "X" to denote the appropriate aircraft airworthiness classification. The purpose of this amendment is to prescribe the use of the terms "standard," "restricted," and "experimental" in lieu of the symbols "C," "R," and "X," respectively. This part will then be consistent with the amendment of Part 43 which prescribes the use of these terms.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 03 of the Civil Air Regulations (14 CFR, Part 03, as amended) effective July 3, 1948:

By amending §§ 03.03, 03.041, and 03.042 by inserting in parentheses as alternate terms the words "standard," "restricted," and "experimental" wherever the symbols "NC," "NR," and "NX," respectively, appear therein.

(Secs. 205 (a), 601, 603, 52 Stat. 984, 1007, 1009; 49 U. S. C. 425 (a), 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 48-4913; Filed, June 2, 1948; 8:52 a. m.]

[Civil Air Regs., Amdt. 04b-10]

## PART 04b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

## AIRCRAFT AIRWORTHINESS CLASSIFICATION SYMBOLS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of May 1948.

The provisions of Part 04b relating to airworthiness classification utilize the symbols "C," "R," and "X" to denote the appropriate aircraft airworthiness classification. The purpose of this amendment is to prescribe the use of the terms "standard," "restricted," and "ex-



perimental" in lieu of the symbols "C", "R", and "X", respectively. This part will then be consistent with the amendment of Part 43 which prescribes the use of these terms.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 04b of the Civil Air Regulations (14 CFR, Part 04b, as amended) effective July 3, 1948:

By amending §§ 04b.02, 04b.031, and 04b.032 by inserting in parentheses as alternate terms the words "standard", "restricted", and "experimental" wherever the symbols "NC", "NR", and "NX", respectively, appear therein.

(Secs. 205 (a), 601, 603, 52 Stat. 984, 1007, 1009; 49 U. S. C. 425 (a), 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 48-4914; Filed, June 2, 1948; 8:52 a. m.]

[Civil Air Regs., Amdt. 06-2]

#### PART 06—ROTORCRAFT AIRWORTHINESS AIRCRAFT AIRWORTHINESS CLASSIFICATION SYMBOLS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of May 1948.

The provisions of Part 06 relating to airworthiness classification utilize the symbols "C", "R", and "X" to denote the appropriate aircraft airworthiness classification. The purpose of this amendment is to prescribe the use of the terms "standard", "restricted", and "experimental" in lieu of the symbols "C", "R", and "X", respectively. This part will then be consistent with the amendment of Part 43 which prescribes the use of these terms.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 06 of the Civil Air Regulations (14 CFR, Part 06, as amended) effective July 3, 1948:

By amending §§ 06.011, 06.012, and 06.02 by inserting in parentheses as alternate terms the words "standard", "restricted", and "experimental" wherever the symbols "NC", "NR", and "NX", respectively, appear therein.

(Secs. 205 (a), 601, 603, 52 Stat. 984, 1007, 1009; 49 U. S. C. 425 (a), 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 48-4915; Filed, June 2, 1948; 8:52 a. m.]

[Civil Air Regs., Amdt. 43-3]

#### PART 43—GENERAL OPERATION RULES

##### AIRCRAFT IDENTIFICATION MARKS AND DISPLAY OF AIRWORTHINESS CLASSIFICATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 26th day of May 1948.

Part 43 of the Civil Air Regulations provides that aircraft identification marks shall be displayed on civil aircraft in a manner prescribed by the Administrator and shall consist of the registration symbol "N" and the airworthiness classification symbols "C", "R", "X", or "L" followed by the registration numerals.

The purpose of this amendment is to eliminate the airworthiness classification symbols "C", "R", "X", and "L" from the identification mark and to redesignate airworthiness certificates as "standard", "restricted", "experimental", and "limited", respectively.

The increasing number of aircraft being registered has resulted in the assignment of identification marks employing 6 numerals. It is desirable that identification marks with fewer digits be employed. The deletion of the letter denoting the airworthiness classification and the employment of letters of the alphabet in combination with numerals to form the identification number will accomplish this purpose.

This amendment also provides that the words "standard", "restricted", "experimental", and "limited" be used in lieu of the symbols "C", "R", "X", and "L", respectively, in the issuance of airworthiness certificates and for airworthiness classification. Aircraft having other than the standard airworthiness certificate, namely, "restricted", "experimental", or "limited", will be required to display the appropriate airworthiness classification over the entrance to the aircraft or at another conspicuous location on the aircraft in a manner and form prescribed by the Administrator.

Interested persons have been afforded an opportunity to participate in the making of this amendment, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing the Civil Aeronautics Board hereby amends Part 43 of the Civil Air Regulations (14 CFR, Part 43, as amended) effective July 3, 1948:

1. By amending § 43.102 by adding a new paragraph (f) as follows:

§ 43.102 Identification marks. \* \* \*

(f) Alternate identification marks. After December 31, 1948, aircraft registered for the first time and, after December 31, 1950, all aircraft shall display identification marks consisting of the Roman capital letter "N" denoting U. S. registration followed by the registration number. However, this identification mark may be displayed prior to these dates at the option of the owner of the aircraft.

When this identification mark is utilized, those aircraft having other than a standard airworthiness certificate shall display the appropriate airworthiness classification as prescribed in Parts 03, 04a, 04b, 06, and 09 on the aircraft in a

manner and form prescribed by the Administrator. Those aircraft having a standard airworthiness certificate need not display the airworthiness classification designation.

2. By amending the title of § 43.30 to read as follows:

§ 43.30 Instruments and equipment for NC powered aircraft or powered aircraft with standard airworthiness certificates. \* \* \*

(Secs. 205 (a), 601, 603, 52 Stat. 984, 1007, 1009; 49 U. S. C. 425 (a) 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 48-4912; Filed, June 2, 1948; 8:52 a. m.]

## TITLE 15—COMMERCE

### Chapter I—Bureau of the Census, Department of Commerce

[Foreign Commerce Statistical Decision 66]

#### PART 30—FOREIGN TRADE STATISTICS

##### ELIMINATION OF REQUIREMENTS FOR SHIPPER'S EXPORT DECLARATIONS FOR SHIPMENTS BETWEEN U. S. AND ALASKA AND HAWAII

Pursuant to section 4 of the Administrative Procedure Act, Approved June 11, 1946 (Public Law 404, 79th Cong., 2nd Sess.), the Foreign Commerce Statistical Decision indicated below is of such a nature that preliminary notice and hearing are deemed unnecessary. This decision is therefore made effective immediately:

Section 30.7 (a) is amended to read as follows:

#### § 30.7 Shipper's Export Declarations.

(a) The kinds, quantities, and values of articles exported to foreign countries, or shipped between the United States and its territories and possessions, except Alaska and Hawaii, shall be compiled from the Shipper's Export Declaration furnished by the shipper or his agent to the Collector of Customs at the port of exportation.

2. Paragraphs (a), (b), and (c) of § 30.30 are amended to read as follows:

#### § 30.30 Manifests of vessels; Shipper's Export Declarations; clearance.

(a) Before clearance shall be granted to any vessel bound to a foreign place or non-contiguous territory of the United States, except Alaska and Hawaii, the master shall file a manifest with the Collector of Customs on Customs Form 1374 of all cargo on board his vessel. There shall also be filed with the Collector declarations of the owners, shippers, or consignors of the cargo shipped by them, specifying the kinds, quantities, values, and the places to which ultimately destined. These declarations will be made in duplicate on Commerce Form 7525 in accordance with the instructions printed thereon, and the original copy of every declaration shall be verified by oath before a customs officer, notary public, or other authorized person. The oath is not required on Shipper's Export Decla-



rations covering shipments made between the United States and its territories and possessions.

(b) Where the cargo is to be transhipped in another Customs District, including Alaska, Hawaii, Puerto Rico, and the Virgin Islands of the United States, for transportation to a foreign country or noncontiguous territory of the United States, except Alaska and Hawaii, the Shipper's Export Declarations (Commerce Form 7525) should be filed only with the Collector of Customs at the port where the merchandise is last laden for its final destination.

(c) The manifest of a vessel bound to a foreign country or to or from noncontiguous territory of the United States, except Alaska and Hawaii, must show the customhouse number of the export declaration for each consignment, also the particulars required by section 4199, Revised Statutes (46 U. S. C. 93), namely, the destination of the vessel, the marks and numbers of the packages, and a description of the articles, contents, quantities, and values: *Provided*, That a notation on the manifest that values are as stated on shippers' declarations, copies of which are attached to such manifest, will be accepted. Any short shipment must be noted on the duplicate export declarations presented with the manifest.

3. Section 30.33b (a) is amended to read as follows:

§ 30.33b *Shipments of merchandise by air; exports of aircraft flown from the United States.* (a) Shipper's Export Declarations on Commerce Form 7525 must be filed by the shipper for all merchandise shipped on:

(1) Aircraft clearing from the United States, Alaska, Hawaii and Puerto Rico for foreign countries, the Virgin Islands of the United States and the Canal Zone;

(2) Aircraft clearing from one of the following areas to the other: the mainland of the United States and Puerto Rico; and

(3) Aircraft clearing from the Virgin Islands of the United States to foreign countries and the Canal Zone.

4. Section 30.42 (a) is amended to read as follows:

§ 30.42 *Shipments from the interior for export; shipments or declarations originating at a port of exportation.* (a) For goods shipped on a through export bill of lading from an interior point to a foreign country or to a noncontiguous territory of the United States, except Alaska and Hawaii, the shipper must prepare and deliver to the carrier the export declaration in duplicate to accompany the waybill to the seaport, airport, or border port of exportation.

5. Section 30.44 is amended to read as follows:

§ 30.44 *Exportations from Puerto Rico via the United States.* Shipper's Export Declarations in duplicate must accompany merchandise shipped from Puerto Rico for transshipment and exportation from a port in the United States and be delivered by the shipping agent to the Collector of Customs at such port of exportation, with the name of the exporting vessel noted thereon.

6. Section 30.45 is amended to read as follows:

§ 30.45 *Trade between the United States and its noncontiguous territory.*

(a) The regulations in this chapter with respect to the collection of statistics of merchandise, gold, and silver exported from the United States to foreign countries and of clearances of vessels in such trade are extended to, and will govern, so far as applicable, in the collection of statistics of shipments between the United States and its noncontiguous territory and between the respective portions of said noncontiguous territory except as noted in paragraph (b) of this section.

(b) The regulations in this chapter shall not apply to the following:

(1) Shipments between the United States and (i) Alaska and (ii) Hawaii.

(2) Shipments between any United States territory and possession and (i) Alaska and (ii) Hawaii.

Shipper's Export Declarations will, therefore, not be required for such shipments made by any method of transportation.

Foreign Commerce Statistical Decision 44 is rescinded and Foreign Commerce Statistical Decisions 60 and 64 are accordingly amended by this decision.

(R. S. 161, 336, as amended, secs. 4, 5, 32 Stat. 826, 827, as amended, sec. 1, 18 Stat. 352, as amended, sec. 7, 44 Stat. 572; 5 U. S. C. 22, 601; 15 U. S. C. 173, 175, 178; 49 U. S. C. 177 (c))

This decision is effective immediately.

[SEAL] J. C. CAPT,  
Director,  
Bureau of the Census.

Approved:

WILLIAM C. FOSTER,  
Acting Secretary of Commerce.

[F. R. Doc. 48-4882; Filed, June 2, 1948;  
8:45 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 51930]

#### PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

##### FILING OF AMENDED ENTRIES IN TRIPLICATE

Section 8.16 (b) (1), Customs Regulations of 1943 (19 CFR, Cum. Supp. 8.16 (b) (1)), is hereby amended by deleting the word "duplicate" in the first sentence and substituting the word "triplicate."

(Sec. 487, 46 Stat. 725; 19 U. S. C. 1487)

[SEAL] FRANK DOW,  
Acting Commissioner of Customs.

Approved: May 27, 1948.

E. H. FOLEY, Jr.,  
Acting Secretary of the Treasury.

[F. R. Doc. 48-4909; Filed, June 2, 1948;  
8:51 a. m.]

## TITLE 24—HOUSING CREDIT

### Chapter, VIII—Office of the Housing Expediter

#### PART 851—ORGANIZATION DESCRIPTION INCLUDING DELEGATIONS OF FINAL AUTHORITY

##### DESIGNATION OF ACTING HOUSING EXPEDITER

J. Walter White is hereby designated to act as Housing Expediter during my absence on June 2 and 3, 1948, with the title "Acting Housing Expediter" with all the powers, duties, and rights conferred upon me by the Housing and Rent Act of 1947, as amended, or any other act of Congress or Executive order, and all such powers, duties, and rights are hereby delegated to such officer for such period.

(Pub. Laws 129, 464, 80th Cong.)

Issued this 1st day of June 1948.

TIGHE E. WOODS,  
Housing Expediter.

[F. R. Doc. 48-4967; Filed, June 2, 1948;  
9:10 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter I—Secretary of Defense

[Transfer Order 13]

#### ORDER TRANSFERRING CIVIL AIR PATROL AND FUNCTIONS PERTAINING THERETO FROM DEPARTMENT OF THE ARMY TO DEPARTMENT OF THE AIR FORCE

Pursuant to the authority vested in me by the National Security Act of 1947 (act of July 26, 1947; Public Law 253, 80th Congress) and in order to effect certain transfers authorized or directed therein, it is hereby ordered as follows:

1. The Civil Air Patrol is hereby transferred to the Department of the Air Force from the Department of the Army.

2. There are hereby transferred to and vested in the Secretary of the Air Force and the Department of the Air Force, all functions, powers and duties of and relating to the Civil Air Patrol which are vested in the Secretary of the Army or the Department of the Army or any officer of that Department by the terms of Executive Order No. 9339, April 29, 1943.

3. The Secretary of the Army, the Secretary of the Air Force or their representatives are hereby authorized to issue such orders as may be necessary to effectuate the purposes of this order. In this respect, the transfer of such related personnel, property, records, installations, agencies, activities, and projects as the Secretaries of the Army and the Air Force shall from time to time jointly determine to be necessary, is authorized.

4. It is expressly determined that the transfers herein specified are necessary and desirable for the operations of the Department of the Air Force and the United States Air Force.

5. This order shall be effective as of 12:00 noon on May 21, 1948.

JAMES FORRESTAL,  
Secretary of Defense.

MAY 21, 1948.

[F. R. Doc. 48-4883; Filed, June 2, 1948;  
8:46 a. m.]



## Chapter XXIII—War Assets Administration

[Reg. 14, Order 9]

### PART 8314—DISPOSAL TO NONPROFIT INSTITUTIONS AND DISCOUNTS FOR EDUCATIONAL OR PUBLIC-HEALTH INSTITUTIONS OR INSTRUMENTALITIES

#### DISPOSAL OF PERSONAL PROPERTY LOCATED IN THE WISCONSIN MEMORIAL HOSPITAL, MENDOTA, WISCONSIN

The War Assets Administrator is advised that the Veterans' Administration is about to declare as surplus to War Assets Administration certain personal property located at the Wisconsin Memorial Hospital, Mendota, Wisconsin. This personal property is presently located in or about the hospital buildings and premises, which are owned by the State of Wisconsin but which have been leased for a nominal consideration of one dollar (\$1.00) to the Veterans' Administration since 1937. The personal property owned by the United States through the Veterans' Administration consists largely of beds, mattresses, tables, chairs, and miscellaneous hospital maintenance items which have been in use in such hospital by the Veterans' Administration over a period of years. It is the intention of the State of Wisconsin to continue operation of this hospital facility after release thereof by the Veterans' Administration.

The disposal agency has advised that the property located in and about the premises of this hospital had an approximate original acquisition value of \$60,000 but that since it has been in use for several years its present market value would be only a small percentage of this amount. The disposal agency further advises that because of the contemplated continued operation of the facility by the State of Wisconsin, it would not be possible to conduct a sale from the premises and that the expense of removal of the property from the premises would approximate the estimated sales value thereof. The disposal agency also advises that if this property were disposed of to the State of Wisconsin for continued use in such hospital there would be no costs of care, handling, and disposition to be borne by the disposal agency and that the benefit which would accrue to the United States by reason of the use of the property by the State of Wisconsin in such hospital facility justifies a discount of 100%.

In view of the foregoing considerations and pursuant to the provisions of § 8302.3 (c) (4) of Part 8302,<sup>11</sup> the War Assets Administrator finds that an exemption should be granted from the requirements of § 8302.4 and § 8302.5 of that part for all personal property presently located on the premises of the Wisconsin Memorial Hospital, Mendota, Wisconsin, on the ground that it is impracticable and uneconomical for the disposal agency to be required to dispose of such property according to the provisions of Part 8302. The War Assets Administrator further finds that, in view of the benefits which will accrue to the United States from the use of such

personal property in such hospital by the State of Wisconsin, its disposal at fair value, less 100% to the State of Wisconsin is justified.

Pursuant to the foregoing, it is hereby ordered, that:

§ 8314.59 *Disposal of personal property located in the Wisconsin Memorial Hospital, Mendota, Wisconsin.* (a) Pursuant to the provisions of § 8302.3 (c) (4) of Part 8302 and notwithstanding the provisions of § 8302.4 and § 8302.5 of that part, the War Assets Administration is hereby authorized to dispose of all personal property now located in the Wisconsin Memorial Hospital, Mendota, Wisconsin, and owned by the United States Government through the Veterans' Administration to the State of Wisconsin when and if declared as surplus property by the Veterans' Administration to the War Assets Administration.

(b) Notwithstanding the provisions of § 8314.9 of this part, the War Assets Administration is hereby authorized to transfer such personal property, now located in the Wisconsin Memorial Hospital, Mendota, Wisconsin, and owned by the United States Government through the Veterans' Administration to the State of Wisconsin at fair value, less 100% discount, when and if declared by the Veterans' Administration to the War Assets Administration as surplus property.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611); Pub. Law 181, 79th Cong. (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b); and Reorg. Plan 1 of 1947 (12 F. R. 4534))

This section shall become effective June 4, 1948.

JESS LARSON,  
Administrator.

MAY 27, 1948.

[F. R. Doc. 48-4979; Filed, June 2, 1948; 11:42 a. m.]

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans' Administration

#### PART 2—ADJUDICATION: VETERANS' CLAIMS

##### MISCELLANEOUS AMENDMENTS

1. Section 2.1045 is added to read as follows:

§ 2.1045 *Evidence to establish relationship of child, for compensation, pension, and subsistence allowance purposes—*(a) *Legitimate child.* Where it is necessary to determine the legitimacy of a child, evidence will be required to establish the legality of the marriage of the mother of the child to the veteran or to show that the child is otherwise legitimated by state laws (see § 2.1043), together with evidence of birth as outlined in § 2.1046. Where the legitimacy of a child is not a factor, evidence to establish legitimacy will not be required, provided evidence is on file which meets the requirements of paragraph (b) of this section sufficient to warrant recognition of the relationship of the child without regard to legitimacy.

(b) *Illegitimate child.* (1) As to the mother of an illegitimate child, proof of birth is all that is required. As to the father, proof of relationship of an illegitimate child shall consist of:

(i) An acknowledgment in writing signed by him;

(ii) Evidence that he has been judicially ordered or decreed to contribute to the child's support;

(iii) Evidence that he has been, prior to the date of death of the veteran, judicially decreed to be the putative father of the child; or

(iv) Other evidence satisfactory to the Administrator that the veteran is the putative father of the child, which may include but is not limited to:

(a) A certified copy of the public record of birth showing that the veteran was named as father of the child;

(b) Statements of persons who know that the veteran accepted the child as his; or

(c) Information obtained from public records, such as school or welfare agencies, which shows that the veteran was reputed to be the father of the child.

(2) The sufficiency of evidence will be determined in accordance with the facts in the individual case.

(3) Where none of the evidence outlined in subparagraphs (1) (i), (ii) or (iii) of this paragraph has been submitted, and evidence is on file which is considered adequate to establish the reputed paternity of an illegitimate child as contemplated by subparagraph (1) (iv) of this paragraph, a brief summary of the facts, including a description of the supporting evidence and a recommendation that a finding of fact of relationship be made will be submitted for the approval of the appropriate official, as follows:

(i) In regional office cases, the adjudication officer or the chief, vocational rehabilitation and education division;

(ii) In branch office cases, the director, claims service;

(iii) In central office cases, the chief, claims division, the chief, adjudicating division, or the director, registration and research service.

2. Section 2.1046 is amended as follows:

§ 2.1046 *Evidence of birth.* Evidence of birth tending to establish age or relationship for the purpose of payment of any benefits under any law administered by the Veterans' Administration should consist of one of the following types of evidence in the following order of preference: *Provided*, That if the name of the person appearing on the copy of a record is not the same as that appearing on the records of the Veterans' Administration, an affidavit will be required identifying the person having the changed name as the person whose name appears in the record:

3. Section 2.1052 is added to Part 2 to read as follows:

§ 2.1052 *Proof of annulment.* Where the marriage or remarriage of a claimant who seeks benefits as an unmarried or unremarried person has been annulled, such person must submit as part of the evidence certified copies of:

<sup>11</sup> 11 F. R. 11505; 12 F. R. 257.

<sup>12</sup> 12 F. R. 5586; 13 F. R. 750, 891.



- (a) The petition to the court for annulment;
- (b) The answer, if any;
- (c) A transcript of the testimony, if available; and
- (d) The court decree of annulment.

(Sec. 5, 43 Stat. 608, sec. 1, 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11, 11a, 426, 707)

[SEAL] O. W. CLARK,  
Executive Assistant Administrator.

[F. R. Doc. 48-4895; Filed, June 2, 1948;  
8:49 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 6787]

#### RECORDING DEVICES IN CONNECTION WITH TELEPHONE SERVICE

##### ORDER MODIFYING CONDITIONS FOR USE

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of May 1948;

The Commission, having under consideration its order of November 26, 1947, herein, and its order of March 25, 1948, postponing the effective date of the order of November 26, 1947, to a date to be subsequently fixed by order of the Commission; and also having under consideration the petition filed on December 19, 1947, by the Bell System Companies requesting the Commission to modify said Order of November 26, 1947, so as to (1) provide that the furnishing, installation and maintenance of the automatic tone warning device contemplated thereby shall be the sole responsibility of the company or other organization responsible for the furnishing of the telephone service, (2) specify a greater variance in the recurrence of the signal produced by such tone warning device, and (3) extend the effective date of the order forty-five days from the date of the Commission's action on said petition; the various other petitions, replies, and statements filed by the parties herein since the issuance of the above order of November 26, 1947; the public informal conference held on April 6, 1948, pursuant to the Commission's public notice of March 17, 1948, at which certain questions presented by the above petitions, replies and statements were considered; and the statements filed on May 10, 1948, by certain of the participants in said conference;

It appearing, that a requirement that the furnishing, installation and maintenance of the above-mentioned tone warning device shall be the responsibility of the company or other organization responsible for the furnishing of the telephone service is desirable and in the public interest, in that such requirement will insure the use and proper maintenance of the tone warning device which will produce the signal having the characteristics described in the order of November 26, 1947, as hereinafter modified; will insure maximum uniformity in the warning signal produced by tone warning

devices throughout the country as contemplated in the final report adopted herein on March 24, 1947; will serve better to effectuate the basic purpose of the order of November 26, 1947, to offer adequate notification to the telephone-using public that their telephone conversations are being recorded; and will provide a guard against impairment of telephone service which may result from inferior tone warning devices and improper maintenance thereof;

It further appearing, that an increase in the permissible variance in the frequency of recurrence of the tone warning signal as specified in the above order of November 26, 1947, is desirable and in the public interest in that such increase will reduce the cost of manufacture of tone warning devices without materially affecting the efficacy of the tone signal as an adequate warning;

It is ordered, That the order of November 26, 1947, herein, is modified in the following respects:

In the third recital paragraph of said order, the fourth characteristic specified therein shall read:

Frequency of recurrence of each signal: not less than 12 seconds and not more than 18 seconds.

In the second decretal paragraph of said order, subparagraphs (3) and (5) thereof are revised to read as follows:

(3) That such automatic tone warning device shall be furnished, installed; and maintained by the company or other organization responsible for the furnishing of the telephone service, subject to the requirements that such device have the characteristics specified above;

(5) That in the case of a telephone recorder physically attached to the telephone line, the equipment necessary to make such physical connection, including the automatic tone warning device, shall be provided, installed and maintained by the company or other organization responsible for the furnishing of the telephone service.

The fourth decretal paragraph of said order is revised to read:

It is further ordered, That telephone carriers subject to the Communications Act of 1934, as amended, shall, in accordance with the provisions of section 203 of the act, file tariff regulations with the Commission, to become effective on not less than 30 days' notice, but in no event to become effective later than August 2, 1948, and to provide for the use of recording devices in connection with interstate and foreign message toll telephone service under the conditions specified in this order; and, in addition, to provide for reasonable arrangements for sales demonstrations of telephone recorders by recorder organizations.

It is further ordered, That the order of November 26, 1947, as modified herein, shall take effect on the 30th day of June 1948.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-4977; Filed, June 2, 1948;  
12:16 p. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

[Budget Bureau No. 60-R257]

#### PART 55—ALTERATION OR MODIFICATION OF SECURITIES AND THE PROVISIONS OF INSTRUMENTS, AND FILING OF CERTIFICATES AND REPORTS

Rules and regulations governing (a) applications under section 20b of the Interstate Commerce Act for authority to alter or modify any provision of any class of securities or any provision of any mortgage, indenture, deed of trust, corporate charter, or other instrument pursuant to which any class of securities shall have been issued or by which any class of obligations is secured; and (b) certificates of notification and reports relating to such alteration or modification of securities.

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 25th day of May A. D. 1948.

There being under consideration the above-entitled matter:

It is ordered, That the following rules and regulations be, and they are hereby, approved and prescribed; and that on and after May 31, 1948, all carriers making application under section 20b of the Interstate Commerce Act (49 U. S. C. 20b), as amended, observe and comply with these rules and regulations in making such application:

- Sec.
- 55.1 Form and contents of application.
- 55.2 Required exhibits.
- 55.3 Procedure.
- 55.4 Certificates of Notification and periodical reports.

AUTHORITY: §§ 55.1 to 55.4, inclusive, issued under Pub. Law 478, 80th Cong.; 62 Stat. 162.

§ 55.1 *Form and contents of application.* The application and supporting exhibits shall conform to § 1.15 of the general rules of practice and shall show, in the order indicated, with the following paragraph designations, the following information:

(a) Full and correct name and business address of the applicant (street and number, city and zone, county and State).

(b) Date of incorporation, the Government, State or Territory under the laws of which the applicant was organized and received its present charter, and if the applicant is incorporated under the laws of, or authorized to operate in, more than one State, Territory, or Federal district, all pertinent facts as to each such incorporation or authorization.

(c) Whether applicant is a carrier by railroad, a corporation organized for the purpose of engaging in transportation as such a carrier, or a carrier in equity receivership or in process of reorganization under section 77 of the Bankruptcy Act, as amended.

(d) The name of each State in which the applicant carrier operates, has been authorized by certificate to operate, or proposes to operate.



(e) A precise description of the alterations or modifications proposed and a statement of the reasons for making such alterations or modifications, and the purposes and uses that will be served if such alterations or modifications are made. The statement should be condensed, as most of the details will be supplied in the exhibits hereinafter required, but should give a detailed description of the securities to be modified, altered or issued. If the application covers the modification, alteration or issuance of stock, or the modification or alteration of any provision of any corporate charter, the detailed description should include (1) the kind and class of stock, (2) the number of shares authorized, the number outstanding (for general purposes and not merely for the purposes of paragraph (3) of section 20b, 49 U. S. C. 20b), and the number to be affected or issued, (3) the par value of each share, or stated value if having no par value, (4) amount, (5) voting rights, (6) preferences, (7) conversion privileges, (8) call provisions, (9) preemptive rights, (10) liquidation rights. If the application covers the modification, alteration or issuance of securities other than stock, or the modification or alteration of any provision of any mortgage, indenture, deed of trust or other instrument, except the corporate charter, pursuant to which any class of securities shall have been issued, or by which any class of obligations is secured, the detailed description should include (1) full title of the securities, (2) title and date of the indenture, if any, under which the securities were, or are to be issued, or to be modified, and the name or names of the trustee or trustees under the indenture, (3) principal amount of securities authorized, previously issued, and proposed to be modified or altered and to be affected or issued under the indenture, (4) denominations of the securities to be issued, (5) date of the securities, (6) interest rate or rates, (7) interest payment dates, (8) date or dates of maturities, with amounts maturing on each date, if maturing serially, and (9) reference to provisions of the indenture, if any, under which the securities were or will be issued, permitting the proposed modification, alteration or issuance of securities thereunder, and relating to sinking funds, redemption features and conversion rights.

(f) In any case where the issuance of securities is involved, the facts and circumstances on which the applicant relies to establish that (1) to the extent not inconsistent with paragraph (1) of section 20b, 49 U. S. C. 20b) the proposed issue (1) is for some lawful object within its corporate purposes, and compatible with the public interest, which is necessary or appropriate for or consistent with the proper performance by the carrier of service to the public as a common carrier, and which will not impair its ability to perform that service, and (2) is reasonably necessary and appropriate for such purpose.

(g) At what price or prices, rate or rates, and upon what terms and conditions it is proposed to sell or otherwise dispose of the securities to be issued, including an estimate of the expenses to

be incurred in connection with such sale or other disposition. The estimate of expenses to be incurred in connection with the sale or other disposition of securities should be itemized to show the commissions to be paid, discounts to be allowed, and the total of these, and in addition, legal expenses, accounting expenses, engineering expenses, expenses for certification, expenses for authentication, other expenses, and the total expense; also the grand total of commissions, discounts, and expenses. Where the amounts of the items grouped under "other expenses" are relatively substantial, they should also be itemized under that general item.

(h) The facts and circumstances on which applicant relies to establish that the proposed alteration or modification of securities or instrument (1) is within the scope of paragraph (1) of section 20b of the Interstate Commerce Act (49 U. S. C. 20b), (2) will be in the public interest, (3) will be in the best interest of the carrier, of each class of its stockholders, and of the holders of each class of its obligations affected by such modification or alteration, and (4) will not be adverse to the interests of any creditor not affected (within the meaning of paragraph (3) of section 20b) by such modification or alteration.

(i) How and by or through whom it is proposed to effect the proposed alteration or modification, and to whom, or by and through whom, it is proposed to issue any securities to be issued, with details of all contracts, underwriting, and other arrangements made or proposed to be made in connection with the alteration or modification, and issue, if any. Also, a detailed estimate of the expenses to be incurred in connection with such modification or alteration.

(j) Reference to action by the stockholders or directors of applicant, if a corporation, and by the court having jurisdiction over the applicant, if a carrier in equity receivership or in process of reorganization under section 77 of the Bankruptcy Act, as amended, authorizing the proposed alteration, modification or issue and the making and filing of the application, giving dates and places of meetings of stockholders or directors, the date of the court's order, and the names, titles, and postoffice addresses of the applicant's president, secretary, principal attorney, or other officer or person authorized to sign, verify and file the application on behalf of the applicant.

(k) The name, title, and post office address of counsel, officer, or other person to whom correspondence in regard to the application is to be addressed.

(l) The outstanding principal amount, or the number of shares and par value per share, of each class of security affected by the proposed alteration or modification, and the percentage, if any, of the total of such principal amount and total number of shares for each such class as to which assurances of assent have been obtained from the holders, with a statement of the method of determining such percentage.

(m) Extent and manner of notice, by mail, advertisement or otherwise, proposed to be given of the hearing by the

applicant, including the time or times, and place or places of advertisement, the reasons for selection of the place or places of advertisement, the class of security or classes of securities the holders of which will be notified, and the names of committees; conferees and other interested parties and the manner of their notification. The Commission will give notices of the application to, and file a copy of it with, the governor of each State in which the applicant operates.

(n) Each class of securities affected, 75 percent of the aggregate principal amount, or number of shares outstanding of which is held by fewer than 25 holders.

(o) Amount, if any, of the securities affected which are pledged under a mortgage, indenture, deed of trust, or other instrument pursuant to which evidences of indebtedness of the applicant or of any company controlling or controlled by the applicant are outstanding, and the amount and description of such evidences of indebtedness; the name or names of any trustee or trustees under any such indenture or deed of trust; and the amount, if any, of the securities affected which are pledged to secure other evidences of indebtedness of the applicant or of any company controlling or controlled by the applicant not so issued under mortgage, indenture, deed of trust, or other instrument, and the amount and description of such other evidences of indebtedness so secured.

(p) Any facts or circumstances relied on by the applicant to show that the proposed modification or alteration does not materially affect the interests of the holder or holders of the evidence or evidences of indebtedness secured by the pledged securities referred to in paragraph (o) of this section.

(q) Amount, if any, of securities affected by the proposed modification or alteration and of evidences of indebtedness secured by the pledge thereof as referred to in paragraph (o) of this section, which are held by any holder whose assent to the proposed alteration or modification is within the control of the applicant or any person controlling the applicant.

(r) The name or names of any carrier or carriers, or any other person or persons, which or who has assumed liability as guarantor, endorser, surety or otherwise in respect of the securities proposed to be affected, and whether such carrier or other person has consented in writing to the proposed alteration or modification.

(s) A statement of the procedures and methods which the applicant proposes to use in procuring and verifying the assents of the security holders affected by the proposed alteration or modification, and the character of the evidence which the applicant proposes to certify to the Commission in proof of such assents.

(t) Description and terms and conditions of any certificates of deposit that will be issued in connection with the proposed modification or alteration, by the applicant or committees representative of security holders.

§ 55.2 *Required exhibits.* There shall be filed with and made a part of each



original application, and, except as otherwise provided, with each copy, or there shall be presented at the hearing, the following exhibits (see last paragraph under this subheading):

(a) As Exhibit 1, a copy of the charter or articles of incorporation, with amendments to date, of the applicant corporation, duly certified by the appropriate public officer, and a copy of the applicant's bylaws, with amendments to date, authenticated by a proper executive officer of the applicant.

(b) As Exhibit 2, a copy of the proposed plan of alteration or modification of securities.

(c) As Exhibit 3, one or more of the following as may be appropriate:

If applicant is a corporation (1) copies of all resolutions of directors authorizing the proposed modification or alteration, and where an issuance of securities is involved the proposed issuance of securities, for which authority is requested, authenticated by a proper executive officer of the applicant; (2) if the charter or bylaws require approval by stockholders, copies of resolutions of stockholders authorizing such alteration or modification and any issuances of securities, all such resolutions of stockholders to be accompanied by a sufficient transcript of the minutes of their meetings to show the number of shares voted for and against the resolutions, and the number of shares required to adopt the resolution; and (3) copies of resolutions of stockholders or directors, or duly authorized committee thereof, authenticated by a proper executive officer of the applicant, designating by name and for that purpose the executive officer by whom the application is signed, verified and filed on behalf of the applicant.

If the applicant is a carrier in equity receivership or in process of reorganization under section 77 of the Bankruptcy Act, as amended, a copy of the order of the court having jurisdiction authorizing the filing of the application.

(d) As Exhibit 4, opinion of counsel that the alteration or modification and the issuance of securities, if any, with respect to which application is made meet the requirements of law as set forth in § 55.1 (f) and (h), and will be legally authorized and valid if approved by the Commission, with specific reference to any specially pertinent provisions of charter of articles of incorporation or association.

(e) As Exhibit 5, a map of the applicant's existing railroad.

(f) As Exhibit 6, specimens or forms where specimens are not available of all securities and forms of all instruments with respect to which application is made.

(g) As Exhibit 7, in case of the issue or assumption of bonds or evidences of indebtedness, a copy of the mortgage or indenture by which secured or proposed to be secured.

(h) As Exhibit 8, if application is made with respect to the discharge or refunding of existing obligations (including notes maturing not more than two years after the dates thereof, issued under paragraph (9) of section 20a of the Interstate Commerce Act, 49 U. S. C. 20a or otherwise), a statement containing a full description, together with terms and con-

ditions (including discounts and commissions, counsel fees, and all other expenses) of sale or other disposition of such existing obligations.

(i) As Exhibit 9, if application is made with respect to purposes other than those covered by the above classifications under this heading, "Required exhibits", a statement containing complete details of such other purposes.

(j) As Exhibit 10, details of all creditor obligations of the carrier, not affected by the proposals, to the same extent as required in § 55.1 (e) with respect to affected obligations: *Provided*, That in place of such filing the applicant may refer to documents heretofore filed in proceedings before the Commission, to the extent that the required information is covered by such documents, giving the docket number.

(k) As Exhibit 11, a certified copy of the applicant's general balance sheet as of the latest practicable date and as of December 31 next preceding that date.

(l) As Exhibit 12, a verified copy of the applicant's income and profit and loss statement for the last calendar year and a copy of such statement for the current calendar year to the latest available date, and a statement of the applicant's annual income account for a period sufficient to permit the determination by the Commission of the applicant's probable prospective earnings.

Exhibits shall be numbered as above indicated if filed with the application. If presented at the hearing they will be assigned numbers when presented. The application shall contain a list of exhibits filed therewith, and a list of the required exhibits remaining to be filed at the hearing. Exhibits shall conform in size to § 1.84 (a) of the general rules of practice, but shall be folded to conform to the size of the application. If the documents here requested have been previously filed in connection with an application under the Interstate Commerce Act, it will be sufficient to make reference to the docket number under which filed, provided that any change or changes occurring in such documents since the filing thereof shall be shown in an exhibit identified to correspond with the exhibit requested. Income statements, balance sheets, or profit and loss accounts, may not be incorporated by reference to the annual reports filed with the Commission.

§ 55.3 *Procedure*. The following procedure shall govern the execution, filing and disposition of the application:

(a) The procedure prescribed in paragraph (a) of § 56.3 of the rules and regulations governing applications under section 20a of the Interstate Commerce Act (49 U. S. C. 20a).

(b) The original application and supporting papers, six copies thereof for the use of the Commission, and one copy for the governor of each state in which the applicant operates, shall be filed with the Secretary of the Interstate Commerce Commission, Washington, D. C. Each copy shall bear the dates and signatures that appear in the original and shall be complete in itself, but the signatures in the copies may be stamped or typed, and the notarial seal may be omitted.

(c) Upon receipt of the application the Commission will cause notice thereof to be given to, and a copy of the application to be filed with, the governor of each State in which the applicant operates, with inquiry as to whether such governor or other appropriate authority of the State desires to be heard in the matter.

(d) Petitions for leave to intervene may be filed by persons interested in the application prior to or at the time the application is called for hearing, but not thereafter except for good cause shown, the practice in regard to such petitions and answers thereto to be governed by the Commission's general rules of practice.

(e) In connection with its findings required by paragraph (2) of section 20b (49 U. S. C. 20b) the Commission will give directions (1) as to the manner in which the carrier shall submit the proposed alteration or modification (with such terms, conditions, and amendments, if any) to the holders of each class of its securities affected thereby, for acceptance or rejection, and (2) as to the manner of proof to be made by the carrier of the percentage of assents to the proposed alteration or modification by the holders of each class of securities affected thereby.

(f) All letters, circulars, advertisements, and other communications, and all financial and statistical statements, or summaries thereof, to be used in soliciting the assents or the opposition of holders of securities affected, shall, before being used, be submitted to the Commission for its approval as to correctness and sufficiency of the material facts stated therein; but this requirement shall not be construed to apply to normal and ordinary correspondence or other communication between the carrier and a creditor, stockholder, or other interested party.

§ 55.4 *Certificates of notification and periodical reports*. Sections 56.4, 56.5 and 56.6 of the rules and regulations governing applications under section 20a of the Interstate Commerce Act (49 U. S. C. 20a) shall be followed as a guide.

And it is further ordered, That notice of these regulations be given to the general public by posting copies in the office of the Secretary of the Interstate Commerce Commission, Washington, D. C., and by filing with the Director of the Federal Register.

By the Commission, Division 4.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 48-4907, Filed, June 2, 1948;  
9:00 a. m.]

## Chapter II—Office of Defense Transportation

[Gen. Order ODT 18A, Rev., Amdt. 7]

### PART 500—CONSERVATION OF RAIL EQUIPMENT

#### CARLOAD FREIGHT TRAFFIC

Pursuant to Title III of the Second War Powers Act, 1942, as amended, Ex-



Executive Order 8989, as amended, Executive Order 9729, as amended, and Executive Order 9919, General Order 18A, Revised, as amended (11 F. R. 8229, 8829, 10616, 13320, 14172; 12 F. R. 1034, 2386), is hereby further amended by changing paragraph (e) of § 500.75 to read as follows:

**§ 500.75 Exemptions. \* \* \***

(e) (1) Carload freight consisting of any commodity or commodities which have been allocated or limited by a regulation of an agency of the United States in such quantity as to preclude individual shipments of an amount sufficient to

meet the loading requirements of the order or of any special direction issued thereunder, or (2) to carload freight consisting of any commodity or commodities not so allocated or limited when loaded in the same car with a carload shipment of an allocated or limited commodity or commodities: *Provided, however,* That the consignor has first attempted in good faith to avail himself of the provisions of §§ 500.77 and 500.78 of this order.

This Amendment 7 of General Order ODT 18A, Revised, shall become effective May 31, 1948.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, 60 Stat. 345, 61 Stat. 34, 321, Pub. Law 395, 80th Cong.; 50 U. S. C. App. 633, 645, 1152; E. O. 8989, Dec. 18, 1941, 6 F. R. 6725; E. O. 9389, Oct. 18, 1943, 8 F. R. 15183; E. O. 9729, May 23, 1946, 11 F. R. 5641; E. O. 9919, Jan. 3, 1948, 13 F. R. 59)

Issued at Washington, D. C., this 28th day of May 1948.

HOMER C. KING,

Deputy Director,

Office of Defense Transportation.

[F. R. Doc. 48-4908; Filed, June 2, 1948; 8:51 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Production and Marketing Administration

#### [7 CFR, Part 51]

#### UNITED STATES STANDARDS FOR FILBERTS IN THE SHELL

#### NOTICE OF RULE MAKING

Notice is given that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of the United States Standards for Filberts in the Shell, pursuant to the authority contained in the Department of Agriculture Appropriation Act for 1948 (Pub. Law 266, 80th Cong., 1st sess., approved July 30, 1947). The proposed standards are as follows:

**§ 51.446 Filberts in the shell—(a) Grade.** (1) U. S. No. 1 shall consist of filberts in the shell which are of similar type, well formed, dry, clean and bright, free from blanks, broken or split shells, and which are free from damage caused by stain, adhering husks, or other means. The kernels shall be reasonably well developed, not badly misshapen, free from rancidity, decay, mold, insect injury, and free from damage caused by shriveling, discoloration, or other means. In addition, the filberts shall meet the requirements of one of the following sizes as specified for round type and long type varieties:

(i) *Sizes for round type varieties.* (a) Jumbo means filberts which will not pass through a round opening  $\frac{5}{64}$  inch in diameter.

(b) Large means filberts which will not pass through a round opening  $\frac{59}{64}$  inch in diameter, but will pass through a round opening  $\frac{5}{64}$  inch in diameter.

(c) Medium means filberts which will not pass through a round opening  $\frac{45}{64}$  inch in diameter, but will pass through a round opening  $\frac{59}{64}$  inch in diameter.

(d) Small means filberts which will pass through a round opening  $\frac{45}{64}$  inch in diameter.

(ii) *Sizes for long type varieties.* (a) Jumbo means filberts which will not pass through a round opening  $\frac{4}{64}$  inch in diameter.

(b) Large means filberts which will not pass through a round opening  $\frac{4}{64}$  inch in di-

ameter, but will pass through a round opening  $\frac{4}{64}$  inch in diameter.

(c) Medium means filberts which will not pass through a round opening  $\frac{34}{64}$  inch in diameter, but will pass through a round opening  $\frac{45}{64}$  inch in diameter.

(d) Small means filberts which will pass through a round opening  $\frac{35}{64}$  inch in diameter.

(b) *Tolerances.* In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

Ten percent, by count, for filberts which fail to meet the grade requirements, other than for type and size; *Provided,* That not more than 5 percent shall be allowed for blanks, and not more than 5 percent shall be allowed for rancid, decayed, or moldy filberts, or those which have insect injury, including not more than 3 percent for insect injury;

Ten percent, by count, for filberts which are of a different type;

Twelve percent, by count, for filberts which fail to meet the size requirements for the size specified, but not more than five-sixths of this amount, or 10 percent shall be allowed for filberts which pass through the smallest opening required for the size specified.

(c) *Application of the tolerances and determination of the grade.* The tolerances for the grade are applied to the entire lot, and a composite sample shall be taken for determining the grade. However, any container or group of containers in which the filberts are found to be materially inferior to those in the majority of the containers shall be considered a separate lot.

In determining the grade of a lot of filberts, all of the nuts in the sample shall first be examined for size and then for external defects. The same nuts are then cracked and examined for internal defects. The nuts must meet both size and quality requirements in order to meet the grade.

(d) *Unclassified.* Lots of filberts which have not been classified in accordance with the foregoing grade shall be designated as "unclassified." The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(e) *Definitions.* (1) "Similar type" means that the filberts in each container are of the same general type and appearance. For example, nuts of the round type shall not be mixed with those of the long type in the same container.

(2) "Well formed" means that the filberts are not materially misshapen.

(3) "Dry" means that the shell is free from surface moisture and that the shells and kernels combined do not contain more than 10 percent moisture.

(4) "Clean and bright" means that the individual filbert or the lot as a whole is practically free from adhering dirt and other foreign matter and that the shells have characteristic color.

(5) "Blank" means a filbert which contains no kernel or which has a kernel that fills less than one-fourth of the capacity of the shell.

(6) "Damage" means any injury or defect which materially affects the appearance, or edible or shipping quality of the individual filbert or of the lot as a whole. Any one of the following defects or any combination of defects, the seriousness of which exceeds the maximum allowed for any one of these defects shall be considered as damage:

(i) Stains which are very dark and materially affect the appearance of the individual nut.

(ii) Adhering husk, when covering more than 5 percent of the surface in the aggregate.

(iii) Shriveling, when the kernel is materially shrunken, leathery or tough.

(iv) Discoloration, when the appearance of the individual kernel is materially affected by black discoloration.

(7) "Reasonably well developed" means that the kernel fills at least one-half or more of the capacity of the shell.

(8) "Badly misshapen," when the kernel is so malformed that the appearance is materially affected.

(9) "Rancidity" means that the kernel is noticeably rancid to the taste. An oily appearance is not always an indication of rancidity. Unless the nut is noticeably rancid to the taste it shall not be considered as damaged.

(10) "Decay" means that the kernel is putrid or decomposed.

(11) "Moldy" means any visible growth or mold either on the kernel or inside the shell.



(12) "Insect injury" means that the insect or frass is present, or that there is visible evidence of insect damage to the kernel.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards shall file the same in quadruplicate with the Hearing Clerk, Room 1844, South Building, United States Department of Agriculture, Washington, D. C., not later than 5:30 p. m., e. s. t., on the 20th day after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 27th day of May 1948.

[SEAL]

S. R. NEWELL,  
Acting Assistant Administrator,  
Production and Marketing Administration.

[F. R. Doc. 48-4887; Filed, June 2, 1948;  
8:46 a. m.]

## HOME LOAN BANK BOARD

### [24 CFR, Part 21]

[No. 761]

#### ORGANIZATION OF BANKS

#### NOTICE OF PROPOSED AMENDMENT RELATING TO ELECTION OF DIRECTORS OF FEDERAL HOME LOAN BANKS

MAY 28, 1948.

Resolved that, pursuant to paragraph (c) of § 8.3 of the rules and regulations for the Federal Home Loan Bank System (24 CFR 8.3 (c)), notice is hereby given of the proposed amendment of § 2.4 of said rules and regulations (24 CFR 2.4) to read as follows:

§ 2.4 *Directors*—(a) *Appointment and election*. Four directors of each bank will be appointed by the Home Loan Bank Board (hereinafter referred to as the "Board") and eight directors of each Bank will be elected in accordance with the following provisions:

(1) As provided in section 7 of the act, eight of the twelve directors of each Bank shall be elected by the members thereof, provided such members hold at least \$1,000,000 of the capital stock of the Bank at the time nominations are required. Members shall be deemed to hold \$1,000,000 of the capital stock of a Bank when they have subscribed to a total of \$1,000,000 par value of such stock, made the statutory payments thereon, such subscriptions have been accepted and the subscribers have been notified.

(2) Two of such directors shall be known as Class A directors, two as Class B and two as Class C, and shall hold office for terms of two years. Each of these directors shall be a citizen of the United States, a bona fide resident of the district in which the Bank is located; shall be an officer or director of a member of the Bank in the group electing him and shall be deemed to be from the State in which such member is located.

(3) Two of the eight directors to be elected shall be elected by the membership-at-large without regard to classes; shall be known as directors-at-large; and shall hold office for terms of two

years. Each of these directors shall be a citizen of the United States and a bona fide resident of the Bank district. Each of these directors who is an officer or director of a member of the Bank shall be deemed to be from the State in which such member is located. Each of these directors who is not an officer or director of a member of the Bank, shall be deemed to be from the State in which he has established a bona fide residence.

(4) The election of directors shall be held annually and shall be conducted by mail under the supervision of the Board. No nominations shall be accepted from members which were admitted to membership within the ten days prior to the date nomination certificates are to be forwarded to members as set forth herein and no votes for the election of candidates shall be accepted from members which were admitted to membership within the ten days prior to the date election ballots are to be forwarded to members as set forth herein.

(5) The Board will adjust the lines of class demarcation of members every four years or more often if it deems such action desirable. Before August 1 of each year, the Board will divide the member institutions into groups A, B, and C on the basis of the size of the members as determined, as of the May 31 immediately preceding said August 1, from the aggregate unpaid principal of each member's home mortgage loans appearing on the most recent annual report of the member in the possession of its Bank or on the most recent financial statement of a member in the possession of its Bank in the event such Bank holds no annual report of such member. The Board will then notify each member not later than August 1 of each year of its right to nominate and of its classification and will furnish each member with a list of the members in its class and a list of those holding directorships at that time in the Bank of which it is a member, containing the name of each director, the date of expiration of the term of each director, the name and address of the member institution of which each class director is an officer or director, the city and State of which each director-at-large is a resident, the name and address of the institution with which each director-at-large is affiliated and his title, or, if not affiliated with an institution, his present or former occupation and indicating each class directorship and each directorship-at-large. At the same time each member will be furnished with the necessary nominating certificates and will be notified of each directorship to be filled from the membership-at-large and of each directorship to be filled in its class. Each Bank will be furnished with copies of all such information and certificates forwarded to its members.

(6) Upon receipt of the nominating certificates each member, by resolution of its governing body, may nominate, or authorize one of its directors and one of its officers to nominate, a suitably qualified person for each directorship to be filled in its class and each directorship to be filled from the membership-at-large. The certificates shall then be duly executed and mailed to the Secretary to

the Board, so as to be delivered to his office in Washington, D. C., not later than August 31.

(7) A letter will be forwarded to each nominee under registered mail so as to reach his address, as shown by the Board's records, before September 9, informing him of his nomination; provided however, no such letter shall be forwarded to any nominee holding a class directorship or a directorship-at-large whose term does not expire until after the close of the calendar year during which the election is being held or to any nominee holding a public interest directorship, unless the Secretary to the Board has received from him before September 1 notice of his intention to be a candidate for a class directorship or directorship-at-large. With such letter each such nominee will be forwarded a list of nominees and the directorship or directorships for which each was nominated, and a questionnaire which will contain, among other things, a request for a brief biography and questions to ascertain whether the nominee is eligible for the directorship for which he has been nominated and whether he is willing to serve if elected. Such questionnaire must be completely filled in and mailed so as to be delivered to the office of the Secretary to the Board not later than September 15 in order for the nominee to have his name placed on an election ballot.

In the event any person is nominated for two directorships, he will be so informed by the Board in the letter referred to in the immediately preceding paragraph hereof and given an opportunity to state which of said directorships he prefers; or in the event any person is nominated for more than two directorships, he will be so informed by the Board by said letter and given the opportunity to express his order of preference for the directorships for which he has been nominated. In each such case the nominee will be informed by said letter that it is necessary that the Board receive from him, not later than September 15, an expression of preference in order to have his name placed on an election ballot. In each such case where the Board has received from a nominee an expression of preference within the time referred to and the other information as required herein, the Board will, in accordance with the preference expressed, designate the directorship for which the nominee shall be a candidate; however, if it appears to the Board that such action would impair, or result in such nominee having no chance of being elected on account of, the representation per State as set forth in subparagraph (9) of this paragraph, the Board will designate such person as a candidate only for the directorship which appears to the Board to be the most suitable, if it also appears to the Board such person has a chance of being elected to such directorship. If it appears to the Board that a candidate has no chance of being elected to a directorship or to any of the directorships for which he has been nominated, on account of the representation per State as set forth in subparagraph (9) of this paragraph, the name



of such candidate will not be placed on an election ballot if he has made a request that his name not be so placed in such event.

On or before October 1, the Board will mail to each member the first election ballots which will contain in alphabetical order the name of each nominee for each directorship to be filled in its class and from the membership-at-large who has complied with the provisions of this section. Each ballot for a class directorship will also contain opposite the name of each nominee the name and address of the member institution of which he is an officer or director, and his title, and each ballot for a directorship-at-large will also contain opposite the name of each nominee the city and State of which he is a resident and the name and address of the institution with which he is affiliated and his title or, if not affiliated with an institution, his present or former occupation. In the event a candidate for a directorship-at-large is affiliated with an institution which is not a member of the Bank such fact will be recorded on the ballot. The election ballots forwarded to each member shall be accompanied by a brief biography of each candidate listed on said ballots.

(8) Each member, by resolution of its governing body, may cast its vote or authorize one of its directors and one of its officers to cast its vote for each directorship to be filled in its class and for each directorship-at-large to be filled by votes from the membership-at-large. The ballots shall be properly marked and the envelope of the certification properly executed, and both mailed to the Secretary to the Board so as to be delivered at his office in Washington, D. C., not later than October 31.

(9) In determining the results of balloting by the members, the Board will see that each State is represented on the new board of directors by at least the number of elective directors set forth below, provided there has been an eligible candidate from such State who has been voted for:

Bank districts:	Minimum number of directors per State
1-----	1
2-----	3
3-----	1
4-----	1
5-----	2
6-----	3
7-----	3
8-----	1
9-----	1
10-----	1
11-----	1

Within a period of two years after the expiration of the term of a directorship held by an officer or director of a member institution or by any other individual, through the application of the rule as to the minimum number of directors per State, no officer or director of such institution or such other individual may hold a directorship in a Bank unless the votes he receives are sufficient to elect him without applying the rule as to representation per State.

(10) Before November 15 the Board will determine the results of the first election ballots. In case of each directorship subject to the election, any can-

didate having a majority of all votes cast for a directorship will be declared elected, provided the required minimum representation per State will not be impaired thereby. If the required minimum representation per State will not be maintained on the new board of directors, the Board will designate for each State which apparently would otherwise be inadequately represented the directorship or directorships to be filled only by a candidate from such State, provided there has been a properly qualified candidate from each of such States who has been voted for for the directorship so designated.

In making each such designation the Board will first ascertain the directorships for which a candidate from the State which apparently would otherwise be inadequately represented has been voted for and which can be reserved for such State without impairing the necessary representation of any other State more entitled to representation. From the directorships thus ascertained to be available for designation, the Board will designate for each State which apparently would otherwise be inadequately represented the directorship for which a candidate from such State has received more votes than any other candidate for such directorship. If no candidate from such State has received such a plurality and the leading candidates for all of the available directorships are, therefore, from other States, the Board will, from the available directorships, designate the directorship for which the leading candidate has a lesser percentage of votes than any of the leading candidates for other available directorships. This procedure will eliminate from further consideration all candidates from other States for such directorship reserving it for candidates from the State which apparently would otherwise be inadequately represented.

If after designating a directorship to be filled from a State which apparently would otherwise be inadequately represented, the Board finds that only one candidate from such State has received a vote or votes for such directorship, such candidate will be declared elected. Otherwise, a final election ballot will be required involving only candidates from such State for such directorship, who are to be selected in accordance with subparagraph (11) of this paragraph.

Upon determining the results of the first election ballots, the Board will declare elected the candidates who should be declared elected in accordance with the provisions of these Rules and Regulations. The Board will thereupon spread said results upon its minutes and notify the directors elected of their election. The Board will also furnish each Bank and each member thereof the results of the first election ballots and advice as to any directorship or directorships which are to be subject to a final election. The results of the first election ballots shall reflect the name of each candidate, the name and address of the institution with which he is affiliated, the number of votes he received and the candidate declared elected. Upon the request of a candidate the Board will furnish him

with the number of votes each candidate received for the directorship for which he was a candidate.

(11) On or before November 15, the names of the two highest candidates for each directorship not filled will be placed on final election ballots and such ballots forwarded to the members entitled to vote for such directorships: *Provided, however*, That in the event more than two candidates receive the same number of votes for a directorship and such number is greater than the votes of any of the other candidates for such directorship, the names of all said candidates receiving an equal number of votes shall be placed on the final election ballot; *Provided further*, That in the event one candidate receives more votes than any other candidate for the directorship and the next highest number of votes for the directorship is held by two or more candidates, the names of all said candidates receiving the two highest number of votes for the directorship shall be placed on the final election ballot. There will be shown opposite the name of each candidate on each final election ballot the same information which will be shown on each first election ballot opposite the name of each candidate, as set forth in subparagraph (7) of this paragraph. Each Bank will be furnished with a copy of any final election ballots forwarded to its members.

(12) Each member, by resolution of its governing body, may cast its vote or authorize one of its directors and one of its officers to cast its vote for each directorship to be filled as the result of the final election ballots. The ballots shall be properly marked and the envelope of certification properly executed, and both mailed to the Secretary to the Board so as to be delivered at his office in Washington, D. C., not later than December 15.

(13) Upon determining the results of the final election ballots, the Board will declare elected the candidates receiving the highest number of votes. The Board will thereupon spread said results upon its minutes and notify the directors elected of their election. The Board will furnish each Bank and its members with the results of the election of directors for that Bank. The results of the final election ballots shall reflect the name of each candidate, the name and address of the institution with which he is affiliated, the number of votes he received and the candidate declared elected. Upon the request of a candidate the Board will furnish him with the number of votes each candidate received for the directorship for which he was a candidate.

(14) In the event the voting for those whose names appear on a final election ballot results in a tie, the Board will determine which of the leading candidates shall be declared elected. The Board will also determine any other matters concerning elections which are not provided for in these rules and regulations.

(15) All nominating certificates sent to members in the States shall be forwarded by regular mail, and all balloting material sent to such members shall be forwarded by registered mail and a return receipt requested. All nominating certificates and balloting material sent to members in Puerto Rico, the Virgin



Islands, Alaska and Hawaii shall be forwarded by airmail.

(16) No election ballots will be opened until after the close of the polls. No ballots will be considered except ballots executed on forms supplied by the Board. All ballots and envelopes of certification shall be preserved by the Secretary to the Board until the end of the ensuing calendar year and shall be subject to inspection only by a member of the Board.

(17) To be eligible for election as a director of a Bank, a candidate may not hold an active political office for which he receives compensation.

(18) Neither an officer, attorney, employee or agent of the Board nor a Board of Directors, Executive Committee, officer, attorney, employee or agent of a Bank shall take any action which would tend to influence votes for any candidate for a directorship in a Bank. The Board, after hearing, may consider a violation of the provisions of this subparagraph as grounds for dismissal or may declare the directorship involved as vacant, or both.

(19) In the event any date specified herein falls on a Sunday or a holiday, the next business day shall be included in the time allowed. All polls shall be closed on the dates specified at 5:00 p. m., eastern standard time. No nominating certificate, questionnaire or ballot shall be considered unless delivered at the office of the Secretary to the Board, Washington, D. C., at or before the time specified. No change in any ballot will be permitted after it has been delivered to the Secretary to the Board.

(20) In the event of a vacancy in any directorship required to be filled by election, the Board will fill the vacancy by an appointment for a period to expire at the end of the calendar year containing the next election date, and at said next election a director shall be elected to hold office for the unexpired portion of the term.

(21) As used in the foregoing provisions of this section the term "State" means any one of the 48 States or the District of Columbia, except that the

States of Nevada and Arizona shall be deemed to constitute one "State" and that the right of minimum representation under this section shall be alternated between the States of Nevada and Arizona within the limitations of these rules and regulations and all pertinent resolutions and orders of the Federal Home Loan Bank Board, the Federal Home Loan Bank Administration and the Home Loan Bank Board.

(Secs. 7, 17, F. H. L. B. A., 47 Stat. 730, 736 as amended by sec. 3 of an Act to Provide Additional Home Mortgage Relief, 49 Stat. 294, 12 U. S. C. 1427, 1437; Reorg. Plan No. 3 of 1947, 12 F. R. 4981; sec. 4 of A. P. A., 60 Stat. 238, 5 U. S. C. 1003)

By the Home Loan Bank Board.

[SEAL]

J. FRANCIS MOORE,  
Secretary.

[F. R. Doc. 48-4910; Filed, June 2, 1948;  
8:51 a. m.]

## NOTICES

### CIVIL AERONAUTICS BOARD

[Docket No. 3291]

PENNSYLVANIA-CENTRAL AIRLINES CORP.  
AND NATIONAL AIRLINES, INC.; INTER-  
CHANGE AGREEMENT

#### NOTICE OF HEARING

In the matter of the petition of Pennsylvania-Central Airlines Corporation and National Airlines, Inc., for approval under section 412 of the Civil Aeronautics Act and such other sections of the act, if any, as may be applicable thereto, of an agreement between said carriers relating to the interchange of equipment.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 412 and 408 of said act, that hearing in the above-entitled proceeding is assigned to be held on June 22, 1948 at 10:00 a. m., (eastern daylight saving time) in Room 2015, Temporary Building No. 5, 16th Street and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Without limiting the scope of the issues presented by said petition, particular attention will be directed to the question whether the interchange agreement is consistent with the public interest and otherwise meets the requirements of the Civil Aeronautics Act of 1938, as amended. For a detailed statement of the issues involved in this proceeding, interested parties are referred to the Examiner's Prehearing Conference Report served on April 21, 1948, and now on file with the Dockets Section of the Civil Aeronautics Board.

Dated at Washington, D. C., May 28, 1948.

By the Civil Aeronautics Board.

[SEAL]

M. C. MULLIGAN,  
Secretary.

[F. R. Doc. 48-4911; Filed, June 2, 1948;  
8:52 a. m.]

### FEDERAL COMMUNICATIONS COMMISSION

#### CLASS B FM BROADCAST STATIONS

#### ORDER AMENDING REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 6th day of May 1948:

The Commission having under consideration an amendment of its Revised Tentative Allocation Plan for Class B FM Broadcast Stations, to the extent that Channel No. 289 will be allocated to Ste. Genevieve, Missouri, for the purpose of making possible the grant of an application now pending for that city; and

It appearing, that there is now pending before the Commission an application for a Class B FM station at Ste. Genevieve, Missouri by Elmer Lawrence Donze and Norbert Bernard Donze, a partnership d/b as The Donze Company (BPH-1406); that there are no other applications pending for Class B FM facilities at Ste. Genevieve, Missouri; that no Class B channel has been allocated to Ste. Genevieve, Missouri; that Channel 289, which is presently unallocated in this area, could be allocated to Ste. Genevieve, Missouri; that the operation of a station on Channel 289 at Ste. Genevieve, Missouri would not cause interference to any station, existing, proposed, or contemplated by present allocations; that in addition to Channel 289 there is at least one other channel which is presently unallocated in this area and which could be allocated to Ste. Genevieve, Missouri; that the adoption of the proposed amendment will increase the number of channels allocated to Ste. Genevieve, Missouri, will not reduce the number of channels allocated to any other city, and will not require a change in the channel assign-

ment of any existing FM authorization; and that no existing requirements of the Commission will be affected by said amendment; and

It further appearing, that the nature of the proposed amendment is such as to render unnecessary the public notice and procedure set forth in section 4 (a) of the Administrative Procedure Act; and that for the same reasons this order may be made effective immediately in lieu of the requirements of section 4 (c) of said act; and

It further appearing, that authority for the adoption of said amendment is contained in sections 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended, so that the allocation of Channel No. 289 to Ste. Genevieve, Missouri, is included therein.

#### FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-4900; Filed, June 2, 1948;  
8:50 a. m.]

[Docket Nos. 8285, 8627]

NORTH JERSEY BROADCASTING CO., INC.  
(WPAT), AND MONOCACY BROADCASTING  
CO. (WFMD)

#### ORDER CONTINUING HEARING

In re applications of North Jersey Broadcasting Company, Inc. (WPAT), Paterson, New Jersey, Docket No. 8285, File No. BP-4613; The Monocacy Broadcasting Company (WFMD), Frederick, Maryland, Docket No. 8627, File No. BP-5128; for construction permits.

The Commission having under consideration a joint petition filed May 13, 1948,



by North Jersey Broadcasting Company, Inc. (WPAT), Paterson, New Jersey, and The Monocacy Broadcasting Company (WFMD), Frederick, Maryland, requesting a continuance of 30 days from May 24, 1948, of the consolidation hearing scheduled on the above-entitled applications for construction permits;

*It is ordered*, This 21st day of May 1948, that the petition be, and it is hereby, granted; and that the hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Thursday, June 24, 1948, at Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-4904; Filed, June 2, 1948;  
8:51 a. m.]

[Docket No. 8302]

CHARLES WILBUR LAMAR, JR.

ORDER CONTINUING HEARING

In re application of Charles Wilbur Lamar, Jr., Morgan City, Louisiana, Docket No. 8302, File No. BP-4913; for construction permit.

The Commission having under consideration a petition filed May 11, 1948, by Charles Wilbur Lamar, Jr., Morgan City, Louisiana, requesting a continuance from May 28, 1948, to June 28, 1948, of the hearing on his above-entitled application for construction permit;

*It is ordered*, This 21st day of May 1948, that the petition be, and it is hereby, granted; and that the hearing on the above-entitled application be, and it is hereby, continued to 10:00 a. m., Wednesday, June 30, 1948, at Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-4903; Filed, June 2, 1948;  
8:50 a. m.]

[Docket No. 8435]

KICKAPOO PRAIRIE BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re application of Kickapoo Prairie Broadcasting Company, Inc., Springfield, Missouri, Docket No. 8435, File No. BP-5823; for construction permit.

The Commission having under consideration a petition filed May 14, 1948, by Kickapoo Prairie Broadcasting Company, Inc., Springfield, Missouri, requesting a sixty-day continuance from June 4, 1948, of the hearing now scheduled on its above-entitled application for construction permit;

*It is ordered*, This 21st day of May 1948, that the petition be, and it is hereby, granted; and that the said hearing be, and it is hereby, continued to 10:00 a. m., Thursday, July 29, 1948, at Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-4906; Filed, June 2, 1948;  
8:51 a. m.]

[Docket No. 8485]

SUFFOLK BROADCASTING CORP. (WFSS)

ORDER CONTINUING HEARING

In re application of Suffolk Broadcasting Corporation (WFSS), Coram, New York, File No. BMPH-409, Docket No. 8485, for modification of construction permit.

The Commission having under consideration a petition filed May 13, 1948, by Suffolk Broadcasting Corporation, Coram, New York, requesting a sixty-day continuance from May 31, 1948, of the hearing now scheduled on its application for modification of construction permit (File No. BMPH-409; Docket No. 8485);

*It is ordered*, This 21st day of May 1948, that the petition be, and it is hereby, granted; and that the said hearing be, and it is hereby, continued to 10:00 a. m., Friday, July 30, 1948, at Coram, New York.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-4902; Filed, June 2, 1948;  
8:50 a. m.]

[Docket Nos. 8731-8733, 8841]

BEACON BROADCASTING CO., INC., ET AL.

ORDER CONTINUING HEARING

In re applications of Beacon Broadcasting Company, Inc., Boston, Massachusetts, File No. BPH-1320, Docket No. 8731; Boston Radio Company, Inc., Boston, Massachusetts, File No. BPH-1385, Docket No. 8733; The Northern Corporation, Boston, Massachusetts, File No. BPH-1372, Docket No. 8732; Bunker Hill Broadcasting Company, Boston, Massachusetts, File No. BPH-1420, Docket No. 8841; for construction permits.

The Commission having under consideration a petition filed May 11, 1948, by Beacon Broadcasting Company, Inc., Boston, Massachusetts, requesting a continuance for thirty days from June 7, 1948, of the consolidated hearing now scheduled on its above-entitled application for construction permit and the above-entitled applications of Boston Radio Company, Inc., Boston, Massachusetts, The Northern Corporation, Boston, Massachusetts, and Bunker Hill Broadcasting Company, Boston, Massachusetts;

*It is ordered*, This 21st day of May 1948, that the petition be, and it is hereby, granted; and that the said hearing in the above-entitled proceeding be, and it is hereby, continued to 10:00 a. m., Tuesday, July 6, 1948, at Boston, Massachusetts.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-4901; Filed, June 2, 1948;  
8:50 a. m.]

[Docket Nos. 8791, 8902]

SUSQUEHANNA BROADCASTING CO. AND HELM COAL CO.

ORDER CONTINUING HEARING

In re applications of Susquehanna Broadcasting Company, York, Pennsylvania, Docket No. 8791, File No. BPCT-302; H. J. Williams, M. E. Cousler, Lowell W. Williams, and Edward C. Hale, Partners, d/b as The Helm Coal Co., York, Pennsylvania, Docket No. 8902, File No. BPCT-356; for construction permits.

The Commission having under consideration a petition filed May 12, 1948, by H. J. Williams, M. E. Cousler, Lowell W. Williams and Edward C. Hale, Partners, d/b as The Helm Coal Company, York, Pennsylvania, requesting a continuance from July 1, 1948, to September 13, 1948, of the consolidated hearing on the above-entitled applications;

*It is ordered*, This 21st day of May 1948, that the petition be, and it is hereby, granted; and that the said hearing on the above-entitled applications be, and it is hereby, continued to 10:00 a. m., Monday, September 13, 1948, at York, Pennsylvania.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 48-4905; Filed, June 2, 1948;  
8:51 a. m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G-1023, G-1013, G-1029]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

NOTICE OF HEARING

MAY 27, 1948.

In the matter of Panhandle Eastern Pipe Line Company, et al., to all of the parties of record; Docket Nos. G-1023, G-1013, and G-1029.

Please be advised that on May 26, 1948, in open hearing, the Examiner gave notice, pursuant to the provisions of paragraphs (B), (C) and (D) of the Commission's order issued May 12, 1948 in Docket Nos. G-1023, G-1013 and G-1029, and in accordance with the provisions of paragraph (F) of the Commission's order entered March 23, 1948 in Docket No. G-1023, that the hearing of evidence with respect to the matters involved and the issues presented in Docket Nos. G-1013 and G-1029, and in paragraphs (d), (e) and (h) of the Commission's order entered March 23, 1948 in Docket No. G-1023, would be concluded at the session of the hearing to be held on Tuesday, June 1, 1948; that oral argument with respect to such matters and issues will be heard before the Commission, beginning at 10:00 o'clock a. m., (e. d. s. t.) June 4, 1948; and that, at or before the presentation of oral argument, the parties may file proposed findings of fact and conclusions of law.

Parties having evidence to present with respect to these matters and issues should arrange to do so at once. Those desiring to participate in oral argument should advise the Examiner immediately, at the same time indicating the amount of time which will be desired for that purpose.



At 10:00 o'clock a. m. (e. d. s. t.), June 2, 1948, the hearing of evidence with respect to the remaining matters and issues in Docket No. G-1023, and the matters and issues involved in Docket Nos. G-880, G-1031 and G-1010 will be resumed, and will be concluded as promptly as possible. Parties who propose to present evidence with respect to those matters, should be prepared to do so at that time.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-4881; Filed, June 2, 1948;  
8:45 a. m.]

[Docket No. E-6140]

CALIFORNIA ELECTRIC POWER CO.  
NOTICE OF ORDER AUTHORIZING AND  
APPROVING ISSUANCE OF BONDS

MAY 27, 1948.

Notice is hereby given that, on May 25, 1948, the Federal Power Commission issued its order entered May 25, 1948, authorizing and approving issuance of bonds in the above-designated matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-4877; Filed, June 2, 1948;  
8:45 a. m.]

[Docket No. E-6146]

NORTHWESTERN PUBLIC SERVICE CO.  
NOTICE OF APPLICATION

MAY 27, 1948.

Notice is hereby given that on May 26, 1948, an application was filed with the Federal Power Commission, pursuant to Section 204 of the Federal Power Act, by Northwestern Public Service Company, a corporation organized under the laws of the State of Delaware and doing business in the States of Nebraska and South Dakota with its principal business office at Huron, South Dakota, seeking an order authorizing the issuance of \$1,300,000 aggregate principal amount of promissory notes to The Chase National Bank of the City of New York, First National Bank of Minneapolis and Northwestern National Bank of Minneapolis, bearing an interest rate of 2½% per annum, to be issued on or about June 25, 1948, to be dated as of the date of issuance and delivery thereof and to mature 360 days after date of issuance; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 18th day of June 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] J. H. GUTRIDE,  
Acting Secretary.

[F. R. Doc. 48-4889; Filed, June 2, 1948;  
8:47 a. m.]

[Docket No. IT-5879]

WESTERN COLORADO POWER CO.

NOTICE OF ORDER APPROVING AND DIRECTING  
DISPOSITION OF AMOUNTS CLASSIFIED IN  
ACCOUNT 100.5, ELECTRIC PLANT ACQUISITION  
ADJUSTMENTS, AND ACCOUNT 107,  
ELECTRIC PLANT ADJUSTMENTS

MAY 27, 1948.

Notice is hereby given that, on May 26, 1948, the Federal Power Commission issued its order entered May 25, 1948, approving and directing disposition of amounts classified in Account 100.5, Electric Plant Acquisition Adjustments, and Account 107, Electric Plant Adjustments in the above-designated matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-4878; Filed, June 2, 1948;  
8:45 a. m.]

[Project No. 16]

NIAGARA FALLS POWER CO.

NOTICE OF ORDER AUTHORIZING AMENDMENT  
OF LICENSE

MAY 27, 1948.

Notice is hereby given that, on May 25, 1948, the Federal Power Commission issued its order entered May 25, 1948, authorizing amendment of license in the above-designated matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-4879; Filed, June 2, 1948;  
8:45 a. m.]

[Project No. 935]

PACIFIC POWER & LIGHT CO.

NOTICE OF ORDER AUTHORIZING INSTALLATION  
OF A SECOND GENERATING UNIT

MAY 27, 1948.

Notice is hereby given that, on May 26, 1948, the Federal Power Commission issued its order entered May 25, 1948, authorizing installation of a second generating unit in the above-designated matter.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 48-4880; Filed, June 2, 1948;  
8:45 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1769]

BLACK METAL MINES, INC.

ORDER GRANTING APPLICATION TO WITHDRAW  
FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of May A. D. 1948.

Black Metal Mines, Incorporated, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder,

has made application to withdraw its common stock, 10¢ par value, from listing and registration on the Salt Lake Stock Exchange.

The reasons for withdrawing this security from listing and registration on this Exchange that are stated in the application are (1) there is an insufficient number of shares outstanding in the hands of the investing public to justify the continuance of registration and listing of this security; (2) there is an insufficient number of stockholders; to wit, 34, to justify the continuance of registration and listing of this security; (3) the mining property of the issuer has not been operated during the past twenty years and there is no immediate prospect for a resumption of operations; and (4) this security was suspended from trading on the applicant exchange in May 1946 and has not been traded on the Exchange since that time.

Appropriate notice and opportunity for hearing have been given to interested persons and the public generally. No request has been received from any interested person for a hearing in this matter. The Salt Lake Stock Exchange has advised the Commission that the issuer has complied with the rules of the Exchange with respect to withdrawal of a security from registration and listing.

The Commission having considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be, and the same is, hereby granted, effective at the close of the trading session on June 26, 1948.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-4885; Filed, June 2, 1948;  
8:46 a. m.]

[File No. 70-1837]

NORTH AMERICAN CO. AND UNION ELECTRIC  
CO. OF MISSOURI

NOTICE OF FILING AND NOTICE OF AND ORDER  
FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of May 1948.

Notice is hereby given that The North American Company ("North American"), a registered holding company, and its subsidiary, Union Electric Company of Missouri ("Union"), a registered holding company and an electric utility company, have filed a joint application and declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. The applicants-declarants designate Sections 6 (b), or 6 (a) and 7, 9 (a) and 10 as applicable to the proposed transactions.

All interested persons are referred to said application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized below:



North American owns 100% of the outstanding common stock and 87.94% of the outstanding voting stock of Union. Union proposes to issue and sell to North American on or before June 30, 1949, and North American proposes to acquire, 105,000 additional shares of common stock, without par value, of Union or the equivalent thereof, as such stock may be constituted on the date of the proposed issue and sale, for an aggregate consideration of \$5,000,000. Applicants-declarants state that the specifications as to the procedures considered necessary or appropriate to be followed in this proceeding will be made during the course of the hearing herein as provided for by the provisions of Rule III (e) of the Commission's rules of practice. The applicants-declarants assert that the Missouri Public Service Commission has jurisdiction over the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to the matters set forth in said application-declaration and that said application-declaration should not be granted or permitted to become effective except pursuant to further order of this Commission:

*It is ordered*, That a hearing on said application-declaration pursuant to the applicable provisions of the act and the rules and regulations thereunder, be held on July 12, 1948, at 10:00 a. m., e. s. t. at the offices of this Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing shall be held. Any person desiring to be heard or otherwise wishing to participate in these proceedings shall file with the Secretary of this Commission on or before July 9, 1948, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

The Division of Public Utilities of the Commission having advised the Commission that it has made a preliminary examination of the application and declaration and that, upon the basis thereof, the following matters and questions are presented for consideration without prejudice to its specifying additional matters or questions upon further examination:

1. Whether the proposed issue and sale by Union of the said additional common stock is exempted from the provisions of sections 6 (a) and 7 of the act pursuant to the provisions of section 6 (b) and if so, whether terms or conditions should be prescribed with respect to the proposed transactions in the public interest or for the protection of investors or consumers and if so, what such terms and conditions should be; or if such proposed issue and sale of additional common stock is found subject to section 7, then whether the requirements of such section are satisfied.

2. Whether the proposed acquisition by North American from Union of the additional shares of common stock to be issued by Union satisfies the requirements of section 10 of the act.

3. Whether the terms and conditions of the proposed issuance and sale by Union of the additional shares of common stock

are detrimental to the public interest or to be in the interest of investors or consumers.

4. Whether the fees or other remuneration to be paid in connection with the proposed transactions are for necessary services and are reasonable in amount.

5. Whether terms and conditions, if any, with respect to the proposed transactions should be prescribed in the public interest or for the protection of investors or consumers and if so, what such terms and conditions should be.

*It is further ordered*, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

*It is further ordered*, That Robert P. Reeder or any other hearing officer or officers of this Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

*It is further ordered*, That the Secretary of the Commission shall serve a copy of this notice and order by registered mail on The North American Company, Union Electric Company of Missouri, the Missouri Public Service Commission and the City of St. Louis, Missouri; that notice be given to all other persons by publication of a copy of this notice and order in the FEDERAL REGISTER and by general release of the Commission, distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-4884; Filed, June 2, 1948; 8:46 a. m.]

[File No. 70-1838]

NEW ENGLAND POWER CO.

#### ORDER ACCELERATING EFFECTIVENESS OF DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 27th day of May A. D. 1948.

New England Power Company ("NEPCO"), a subsidiary of New England Electric System ("NEES"), a registered holding company, having filed with this Commission a joint declaration and an amendment thereto with respect to (a) the solicitation of the holders of its publicly-held 6% Cumulative Preferred Stock and the holder (NEES) of its common stock pursuant to Rule U-62 promulgated under the Public Utility Holding Company Act of 1935, said solicitation being with reference to (1) the reduction in the par value of the common stock of NEPCO from \$25 a share to \$20 a share, being an aggregate reduction in par value of \$3,111,665, (2) an amendment to the By-laws of NEPCO to so provide, and (3) a restatement of accounts in connection therewith, and (b) the re-

duction in the par value of its common stock from \$25 per share to \$20 per share, designating in said declaration section 7 (e) and (g) of the Public Utility Holding Company Act of 1935 as applicable thereto; and

NEPCO having requested acceleration of the effectiveness of so much of the declaration, as amended, as relates to the solicitation of proxies prior to action by this Commission on so much of the declaration, as amended, as relates to the reduction in par value of its common stock and having stated as the reason therefor that, under the laws of the Commonwealth of Massachusetts, a petition with reference to the reduction in par value of common stock cannot be filed with the Department of Public Utilities of the Commonwealth of Massachusetts until after a majority of the holders of each class of stock outstanding and entitled to vote has approved such reduction; and

It appearing to the Commission that it is appropriate to accelerate the effectiveness of the declaration, as amended, filed pursuant to Rule U-62:

*It is ordered*, Pursuant to subdivision (d) of Rule U-62, that said declaration, as amended, for the solicitation of the holders of the 6% Cumulative Preferred Stock and of the holder of the common stock of NEPCO be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-4886; Filed, June 2, 1948; 8:46 a. m.]

[File No. 7-1039]

#### AMERICAN TELEPHONE AND TELEGRAPH CO. FINDINGS AND ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of May A. D. 1948.

The Los Angeles Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Ten-Year 2 3/4% Convertible Debentures, due December 15, 1957, of American Telephone and Telegraph Company, 195 Broadway, New York, New York.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application makes the following findings:

(1) That this security is listed and registered on the Boston Stock Exchange, The Chicago Stock Exchange, New York Stock Exchange, Philadelphia Stock Exchange and Washington Stock Exchange; that the geographical area deemed to constitute the vicinity of the Los Angeles Stock Exchange with respect to this security which is admitted to unlisted trading privileges on the San Francisco Stock Exchange is southern California



and Arizona; that out of a total of \$360,000,000 face amount of these debentures outstanding, \$3,688,900 face amount of these debentures are owned by 342 debenture-holders in the vicinity of the Los Angeles Stock Exchange; and that in the vicinity of the Los Angeles Stock Exchange there were 301 transactions involving \$3,247,700 face amount of these debentures during the month of December 1947;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Los Angeles Stock Exchange for permission to extend unlisted trading privileges to the Ten-Year 2 $\frac{3}{4}$ % Convertible Debentures, due December 15, 1957, of American Telephone and Telegraph Company be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-4840; Filed, June 1, 1948;  
8:46 a. m.]

[File No. 1-858]

DEVONIAN OIL CO.

ORDER GRANTING APPLICATION TO WITHDRAW  
FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 26th day of May A. D. 1948.

Devonian Oil Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw its Common Stock, \$10.00 Par Value, from listing and registration on the Pittsburgh Stock Exchange.

The reasons for withdrawing this security from listing and registration on this Exchange that are stated in the application are (1) at the close of business on March 3, 1948, Warren Petroleum Corporation and Gulf Oil Corporation owned 316,203 shares of the 322,000 outstanding shares of common stock of Devonian Oil Company, the applicant; (2) these shares that have been acquired by Warren Petroleum Corporation and Gulf Oil Corporation were purchased on March 2 and 3, 1948 at \$65.00 per share; (3) this price is in excess of the prices at which these shares have recently been traded on the Pittsburgh Stock Exchange; (4) the price of \$65.00 per share is being offered by Warren Petroleum Corporation and Gulf Oil Corporation for the remaining outstanding shares of applicant; (5) the only shares remaining

outstanding, except for 382 shares in escrow, are 5,415 shares owned by approximately 95 stockholders; and (6) it is no longer desirable to have this security registered and listed on the Pittsburgh Stock Exchange because the Warren Petroleum Corporation and Gulf Oil Corporation own 316,203 shares of the outstanding 322,000 shares of common stock.

Appropriate notice and opportunity for hearing have been given to interested persons and the public generally. No request has been received from any interested person for a hearing in this matter. The Pittsburgh Stock Exchange does not interpose objection to withdrawal of this security from listing and registration on the Exchange.

The Commission having considered the facts stated in the application, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be, and the same is, hereby granted, effective at the close of the trading session on June 25, 1948.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-4841; Filed, June 1, 1948;  
8:47 a. m.]

[File No. 812-487]

BANKERS SECURITIES CORP. ET AL.

ORDER OF DISCONTINUANCE

At a regular session of the Securities and Exchange Commission held at its office in Washington, D. C. on the 21st day of May A. D. 1948.

In the matter of Bankers Securities Corporation, Bankers Bond and Mortgage Guaranty Company of America, Bankers Bond and Mortgage Company, McCloskey Homes, Inc.; File No. 812-487.

Bankers Securities Corporation, a registered investment company, having filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 for an order of the Commission exempting from the provisions of section 17 (a) of the act a proposed agreement between Bankers Bond and Mortgage Company and McCloskey Homes, Inc., pursuant to which, among other things, Bankers Bond and Mortgage Company agrees to lend McCloskey Homes, Inc. funds upon appropriate security in connection with the construction and mortgaging of 876 individual dwellings;

The Commission having by order dated April 2, 1947, set the matter for hearing on April 15, 1947; the hearing having been held on that day and continued to an indefinite date subject to call;

Counsel for applicants having by letter dated May 13, 1948 and received on May 14, 1948, requested withdrawal of the application;

The Commission hereby consents to such withdrawal, and

It is ordered, That the proceedings on said application be and the same are hereby discontinued.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 48-4843; Filed, June 1, 1948;  
8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11306]

WAICHIRO IZUMI AND TAMAYO IZUMI

In re: Real property, property insurance policy and claim owned by Waichiro Izumi and Tamayo Izumi.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Waichiro Izumi and Tamayo Izumi, whose last known addresses are Japan, are residents of Japan and nationals of a designated enemy country (Japan);

2. That the property described as follows:

a. Real property, situated at Kapa-hulu, Waikiki, Honolulu, City and County of Honolulu, Territory of Hawaii, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments, arising from the ownership of such property,

b. All right, title and interest of the persons named in subparagraph 1 hereof, in and to Fire Insurance Policy No. 579425, issued by the Potomac Insurance Company, Washington Loan & Trust Building, Washington, District of Columbia, in the amount of \$1,000.00, which policy expires on June 1, 1950 and insures the property described in subparagraph 2-a hereof, and

c. That certain debt or other obligation owing to the persons named in subparagraph 1 hereof, by Sumie Izumi Nishihara, P. O. Box 915, Honolulu 8, Territory of Hawaii, arising out of the collection of rentals from the property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid nationals of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan).



## NOTICES

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 2-c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 25, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

## EXHIBIT A

All of that certain parcel of land (portion of the land described in and covered by Land Commission Award Number 8559-B to W. C. Lunallilo) situate, lying and being at Kapahulu, Waikiki, Honolulu, City and County of Honolulu, Territory of Hawaii, comprising lots numbers nine (9) and ten (10), in block number five-a (5-A), of the tract of land known as the "C. Winam's subdivision of Kapahulu lots" (the Map thereof not being recorded), and thus bounded and described:

Beginning at a point on the Northerly side of Road "D", distance 200 feet Westerly of the Northwestern corner of said Road "D" and Winam Avenue and thence running in a Northwesterly direction along Lot Eleven (11), Block Five-A (5-A), 100 feet, thence at right angles in a Southwesterly direction 100 feet along Lots 19 and 20, Block 5-A, thence at right angles in a Southeasterly direction 100 feet along Lot 8, Block 5-A to

the Northerly side of said Road "D" thence in a Northeasterly direction along said Road "D" 100 feet to the point of beginning.

[F. R. Doc. 48-4898; Filed, June 2, 1948; 8:49 a. m.]

[Return Order 127]

## SOCIETE RHODIACETA

Having considered the claim set forth below and having issued a determination

Claimant and claim No.	Notice of intention to return published	Property
Societe Rhodiacta, Paris, France, 6184 and 6193, consolidated.	Apr. 13, 1948 (13 F. R. 1989).	Property described in Vesting Order No. 666 (8 F. R. 5047, Apr. 17, 1943), relating to United States Letters Patent Nos. 2,145,076; 2,235,570; and 2,283,035; property described in Vesting Order No. 3420 (9 F. R. 4489, Apr. 27, 1944), relating to United States Letters Patent No. 2,244,281. All interests and rights created in Societe pour la Fabrication de la Soie Rhodiacta (now known as Societe Rhodiacta), to the extent owned by claimant immediately prior to the vesting thereof by Vesting Order No. 3420, by virtue of an agreement dated Jan. 1, 1928 and executed on July 27, 1928 (including all modifications of and supplements to such agreement) by and between Societe pour la Fabrication de la Soie Rhodiacta and du Pont Rayon Co., relating, among other things, to United States Letters Patent No. 2,277,486. This return shall not be deemed to include the rights of any licensees under the above patents and contract. In connection with this return, claimant has furnished the Attorney General certain covenants contained in a letter, dated May 26, 1948, attached as Exhibit "A" to the Determination filed herewith.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on May 26, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-4872; Filed, June 1, 1948; 8:53 a. m.]

## BERNARD J. BECKER AND FRANK BAUMGARTNER

## NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading with the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date

allowing the claim which is incorporated by reference herein and filed herewith.<sup>1</sup>

It is ordered, That the claimed property, described below and in the determination, including (a) all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof and (b) all damages and profits recoverable for breach of the agreement included therein, be returned after adequate provision for taxes and conservatory expenses:

of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

## Claimant, Claim No., and Property and Location

Bernard J. Becker, executor of the estate of Frank Baumgartner, Brooklyn, N. Y., 33226; \$500.00 in the Treasury of the United States.

Executed at Washington, D. C., on May 27, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 48-4899; Filed, June 2, 1948; 8:49 a. m.]

<sup>1</sup> Filed as part of the original document.